

## STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. 20,722  
 )  
Appeal of )

## INTRODUCTION

The petitioner appeals a decision of the Department for Children and Families, Health Access Eligibility Unit (HEAU) determining that he is no longer eligible for Vermont Health Access Program (VHAP) benefits. The issue is whether the petitioner's income exceeds the program maximum. The facts are not in dispute.

## FINDINGS OF FACT

1. The petitioner is employed as a bus driver and earns \$11.50 per hour. Although petitioner initially worked part-time, he became a full-time employee and informed the Department of his increased earnings.

2. At the hearing held on February 14, 2007, the petitioner did not dispute the Department's determination that he earned \$1,978 per month. After applying the \$90 disregard for earned income, petitioner had \$1,888 per month,

which is in excess of the VHAP maximum of \$1,277 per month for a one person household without minor children. The petitioner did ask for the opportunity to seek representation which was granted. A telephone status conference was held March 9, 2007 with petitioner's representative. The facts were not disputed.

3. The petitioner was advised to immediately reapply for VHAP if his household's income falls beneath the above monthly program maximum.

ORDER

The Department's decision is affirmed.

REASONS

Under the VHAP regulations, all earned income, except for a \$90.00 disregard is included as countable income for eligibility. W.A.M. § 4001.81(c) and (e). There is no dispute that as of the date of recommending closure of his VHAP eligibility and hearing that the petitioner had countable income in excess of the maximum for eligibility under the VHAP program for a one person household without minor children which is \$1,277.00. P-2420B. In conclusion, the Department's finding that petitioner is ineligible for

VHAP based on a change in his countable income must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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